REMARKS

The Office action dated April 1, 2008, and the references cited have been fully considered. In response, please enter the amendments and consider the remarks presented herein. Reconsideration and/or further prosecution of the application is respectfully requested.

Applicants appreciate the thoughtful examination of the application. Applicants herein cancel claims 20-22. Additionally, Applicants have amended claims 19, 34 and 41 to correct typographical errors.

Each of the remaining independent claims, claims 12, 19, 33, 34 and 41, are amended in a same manner to state that the processing of the packets from the recirculation buffer starts at the current particular path said identified from the random index, and to recited that if a particular packet from the recirculation buffer cannot be sent over the current particular path, then it is remains in the recirculation buffer for processing during the next forwarding cycle. Support for these amendments is provided at least by FIG. 5, and its discussion on pages 11-13 of the original disclosure. In particular, process block 504 generates the random index; then the loop including process block 514 (processing a packet from the recirculation buffer) is performed, then the loop including process block 544 (processing a packet not from the recirculation buffer) is performed.

Further in this regard, the amended claims operate fundamentally different than as rejected under 35 USC § 103 as being obvious in light of Giacopelli et al. in view of Heiman. The Office action, especially on page 12 in response to Applicant's previous comments, states that Giacopelli et al. is modified the use Heiman's teaching of randomly selecting between multiple paths, by randomly selecting between which of multiple separate Banyan networks to use. However, the claims require a three stage process: generate the random index; then process all the packets in the recirculation buffer, and finally, after all of the packets in the recirculation buffer have been processed (i.e., "subsequent to the operation of said for each particular packet, while there remains at least one path..."), then the next input packets are attempted to matched with the current particular path. The prior art of record, alone or in combination, neither teaches

nor suggests such an operation. Giacopelli et al. operates in parallel, and as presented in the Office action, no random index is generated to drive the assignments of packets to the current particular path during the multiphase approach recited in the claims. For at least these reasons, all claims are believed to be allowable. Applicants respectfully request the Office withdraw all claim rejections, allow all claims, and pass the application to issuance.
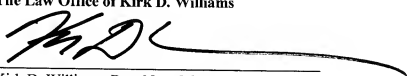
Final Remarks. In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over all prior art of record, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. Applicant requests any and all rejections and/or objections be withdrawn. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney, as Applicants are open to discussing, considering, and resolving issues.

Applicants request a three-month extension of time is required. Should a different extension of time be deemed appropriate, Applicants hereby petition for such deemed extension of time. Applicants further authorize the charging of Deposit Account No. 501430 for any fees that may be due in connection with this paper (e.g., claim fees, extension of time fees) as required in addition to the payment made herewith using EFS-Web.

Respectfully submitted,
The Law Office of Kirk D. Williams

Date: September 25, 2008

By _____

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